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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,014

02/25/2002

Kazuhito Yasue

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3903

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11/15/2005

EXAMINER

DYKE, KERRI M

Rosenman & Colin LLP

575 Madison Avenue

New York, NY 10022-2585

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/090,014	Applicant(s) YASUE ET AL.	
	Examiner Kerri M. Dyke	Art Unit 2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in PCT on 9/14/1999. It is noted, however, that applicant has not filed a certified copy of the PCT/JP99/05017 application as required by 35 U.S.C. 119(b).

### ***Specification***

2. The abstract of the disclosure is objected to because it appears to exceed the 150-word limit. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5-6, 10, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant admitted prior art Kazuyuki (JP 4-138,744).

5. In regards to claims 1, 5-6, 10, and 14-15, Kazuyuki discloses a circuit emulation system with a sender-side and receiver-side transmitter and a circuit emulation method comprising: a sender-side transmitter, disposed at the input side of an ATM network, for receiving a synchronous-network-standards frame in conformity with synchronous network standards, such as SDH, which frame has three regions respectively assigned to a section overhead, an administrative unit pointer, and a payload; and a receiver-side transmitter, disposed at the output side of the ATM network, for outputting the synchronous-network-standards frame; said sender-

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side transmitter including a section-overhead terminator for terminating said section overhead of the received synchronous-network-standards frame, and means for converting data in all of the three regions of the received synchronous-network-standards frame except said section overhead, which regions include said administrative unit pointer, into ATM cells as object data for circuit emulation by ATM and sending said ATM cells out to the ATM network; and said receiver-side transmitter including an ATM-cell receiver for receiving said ATM cells from the ATM network and extracting said object data for circuit emulation from the received ATM cells, and a synchronous-network-standards-frame regenerator for restoring the data in the remaining regions of the received synchronous-network-standards frame from said object data for circuit emulation, which object data has been extracted by said ATM-cell receiver, and regenerating an output synchronous-network-standards frame with a new section overhead added thereto. Applicant describes each of these features as being disclosed by Kazuyuki on pages 8-9 in the Background of the Invention section of the instant application.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 7-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant admitted prior art Kazuyuki (JP 4-138,744) in view of Eng et al. (US 5,428,609).

8. In regards to claim 2, Kazuyuki discloses a circuit emulation system according to claim 1, but not wherein a particular-position-information adding/extracting section is included.

Eng et al. disclose a particular-position-information adding/extracting section in column 2 lines 19-22.

It would have been obvious to one of ordinary skill in the art to include the particular-position information adding/extracting section, as taught by Eng et al. within the circuit emulation system of Kazuyuki because doing so creates a flexible device capable of handling a large variety of signal compositions, as taught by Eng et al. in column 1 lines 43-53.

9. In regards to claim 3, Kazuyuki and Eng et al. disclose the circuit emulation system of claim 2. Boundary-indication-pointer is not a standard field within an ATM cell. It is the name given by the applicant to the field that will hold the particular-position-information. Therefore, it is inherent that the field holding the particular-position-information is the boundary-indication-pointer field.

10. In regards to claim 4, Kazuyuki and Eng et al. disclose the circuit emulation system of claim 2, wherein said particular position represents a leading position of said payload of the received synchronous-network-standards frame. Eng et al. disclose recording the position in column 2 lines 17-22. It is inherent that the position recorded into the buffers represents the beginning or leading position of each payload signal.

11. Claims 7 and 11 are rejected upon the same grounds as claim 2.

12. Claims 8 and 12 are rejected upon the same grounds as claim 3.

13. Claims 9 and 13 are rejected upon the same grounds as claim 4.

***Conclusion***


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurano et al. discloses an STM-ATM conversion technique that includes storing particular-position-information using a boundary-indication-pointer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
ELECTRONIC BUSINESS CENTER  
11/10/05